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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA and)
PEOPLE OF THE STATE OF CALIFORNIA)
by and through CALIFORNIA REGIONAL)
WATER QUALITY CONTROL BOARD,)
SAN FRANCISCO BAY REGION,)
Plaintiffs,)
v.)
CITY AND COUNTY OF SAN FRANCISCO,)
Defendant.)

Case No: 3:24-cv-02594-AMO

**JOINT STATUS REPORT ON
ADR PROCESS**

Hon. Araceli Martinez-Olguin

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JOINT STATUS REPORT ON ADR PROCESS

On June 3, 2024, the Court entered the Parties' – Plaintiff United States of America ("United States"), Plaintiff People of the State of California by and through the California Regional Water Quality Control Board, San Francisco Bay Region (the "Regional Water Board"), Plaintiff-Intervenor San Francisco Baykeeper ("Baykeeper"), and Defendant City and

County of San Francisco (“City” or “Defendant”) – Joint Stipulation and Order Selecting ADR Process and a stay of the litigation through December 31, 2024. ECF No. 26. The Order directs the Parties to file a joint status report by November 15, 2024, advising the Court of the status of their efforts to resolve this matter through private mediation. The Parties’ joint response summarizing the mediation timeline and efforts to date are respectfully submitted below.

The Mediation Timeline

Following the Court Order staying the litigation, the United States, the Regional Water Board, and the City expeditiously initiated the contracting processes pursuant to their respective policies and procedures for review, approval, and onboarding of the private mediator. On July 3, 2024, all three of the Government Parties finalized the contracting process with the mediator and had approvals to officially begin the mediation process. Below is a timeline of the mediation events that followed.

- Parties exchanged proposals for mediation topics – July 16, 2024
- Initial Meeting with the mediator and all Parties to set mediation schedule – July 24, 2024
- Parties exchanged mediation statements – September 5, 2024
- Two-day in-person mediation sessions – September 17-18, 2024
- Virtual meeting with all Parties and the mediator – October 29, 2024
- In-person mediation session – November 12, 2024

The Parties have scheduled another in-person mediation session for December 3, 2024. In addition to the formal mediation sessions, the Parties, and their counsel, have met informally to continue discussions.

Current Status of the Mediation

The Parties have held three mediation sessions and have a fourth session scheduled in December. Given the number and variety of claims at issue, the Parties approached mediation with the goal of resolving discrete, central issues that would form the basis of a resolution without further litigation. The Parties have made progress on some of those issues during the mediation sessions and believe additional progress can be made during the December mediation session. Following the December session, the Parties will determine whether to jointly seek from this Court an extension of the current stay.

Respectfully submitted,

Dated: November 15, 2024

FOR PLAINTIFF THE UNITED STATES OF AMERICA

By: s/ Samantha M. Ricci

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories above.

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